

\_0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

\_0 Lien Avoidance

Last revised: December 1, 2017

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re: Alfredo Chao & Chris Anne Chao

Case No.: 18-24434

Debtor(s)

Judge: Papalia

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

☐ Motions Included

☐ Modified/No Notice Required

Date: 07/30/2018

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULTS IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JLM

Initial Debtor: AC

Initial Co-Debtor: CAC

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$3,466.00 per Month to the Chapter 13 Trustee, starting on August 1, 2018 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

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c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description: \_\_\_\_\_

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description: \_\_\_\_\_

Proposed date for completion: \_\_\_\_\_

☒ [X] Loan modification with respect to mortgage encumbering property:

Description: 279 Highland Avenue

Proposed date for completion: 11/30/2018

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.e. ☐ Other information that may be important relating to the payment and length of plan:**Part 2: Adequate Protection ☒ None**

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$2,500.00
State of New Jersey - Department of the Treasury	Tax Obligation	\$14,102.32.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:

☐ None☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid

**Part 4: Secured Claims**

a. Curing Default and Maintaining Payments on Principal Residence

☐ NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Mr. Cooper	279 Highland Avenue	\$50,000	3.375%	Arrears to be cured through loan modification. Trustee not to distribute any funds towards arrears while modification is pending.	\$2,300. This amount represents 60% of the principal and interest payment and 100% of the escrow payment as permitted by the court loss mitigation program.

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:**

☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ditech	2701 Palisade Avenue	\$94,000	4.00%	\$97,760	\$2,944.84

**c. Secured claims excluded from 11 U.S.C. 506:**

☐ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid Through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments**

☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

## e. Surrender

☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Sheraton Vista Villages

Santander

g. Secured Claims to be Paid in Full Through the Plan: ☐ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan
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Internal Revenue Service      2701 Palisade Ave.      \$55,829.27

## Part 5: Unsecured Claims

☐ NONE

## a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than 100.00% percent

## b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis of Separate Classification	Treatment	Amount to be Paid

## Part 6: Executory Contracts and Unexpired Leases

☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions** ☒ **NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

Creditor	Collateral	Schedule Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions****a. Vesting of Property of the Estate**

☒ Upon confirmation

☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ **NONE**

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 07/30/2018

/s/ Javier Merino

Attorney for the Debtor

Date: 07/30/2018

/s/ Alfredo F. Chao

Debtor

Date: 07/30/2018

/s/ Chris Anne Chao

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 07/30/2018

/s/ Javier Merino

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 07/30/2018

/s/ Alfredo F. Chao

Debtor

Date: 07/30/2018

/s/ Chris Anne Chao

Joint Debtor

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Alfredo F. Chao  
 Chris Anne Chao  
 Debtors

Case No. 18-24434-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 31

Date Rcvd: Aug 07, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 09, 2018.

db/jdb  
 cr +Alfredo F. Chao, Chris Anne Chao, 279 Highland Avenue, Wood Ridge, NJ 07075-1523  
 +City of Union City, Joel R. Glucksman, Esq., Scarinci & Hollenbeck,  
 1100 Valley Brook Avenue, PO Box 790, Lyndhurst, NJ 07071-0790  
 517652824 +Active Orthopedic & Sports Medicine, attn: BILLING, 440 Old Hook Rd.,  
 Emerson, NJ 07630-1331  
 517652826 +Ashwood Fin, 1303 Stadium Ave, Indianapolis, IN 46202  
 517678011 +City of Union City, c/o Joel R. Glucksman, Esq., Scarinci & Hollenbeck, LLC,  
 1100 Valley Brook Avenue, Lyndhurst, NJ 07071-3620  
 517652832 +DVCMC Association Manager, PO Box 470727, Celebration, FL 34747-0727  
 517652834 Ditech, 345 St. Peter Stre Saint, Paul, MN 55102  
 517652836 +Hackensack Foot and Ankle Center, 24 Bergen St. Ste. 1, Hackensack, NJ 07601-5461  
 517652840 +Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620  
 517652841 +Nationwide Credit, Inc., PO Box 14581, Des Moines, IA 50306-3581  
 517652842 +North Hudson Sewerage Authority, 1600 Adams St., Hoboken, NJ 07030-2304  
 517652843 +PSE&G Co., PO Box 14444, New Brunswick, NJ 08906-4444  
 517652844 QVC Inc. Easy Pay, Customer Service, 1200 Wilson Drive at Studio Park,  
 West Chester, PA 19380  
 517652845 +Santander, Po Box 961245, Fort Worth, TX 76161-0244  
 517652847 Sheraton Vistana Villages Resort Villas,, 2401 International Dr., Orlando, FL 32821  
 517652851 +Spring OB/GYN, PC, PO Box 14099, Belfast, ME 04915-4034  
 517652852 +State of New Jersey - Department of the Treas, Division of Taxation, PO box 1018,  
 Moorestown, NJ 08057-0018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 08 2018 00:02:10 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 517652825 +E-mail/Text: bankruptcy@acbhq.com Aug 08 2018 00:01:31 American Cb, 1200 N Federal Hwy,  
 Boca Raton, FL 33432-2803  
 517652827 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 08 2018 00:08:40 Cap One,  
 Po Box 85015, Richmond, VA 23285-5075  
 517652828 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 08 2018 00:01:46 Cb/Avenue, Po Box 182789,  
 Columbus, OH 43218-2789  
 517652829 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Aug 08 2018 00:01:47 Cb/Vicscrt,  
 220 W Schrock Rd, Westerville, OH 43081-2873  
 517652831 +E-mail/PDF: creditonebknofications@resurgent.com Aug 08 2018 00:09:16 Creditonebnk,  
 Po Box 98872, Las Vegas, NV 89193-8872  
 517652833 E-mail/Text: mrdiscen@discover.com Aug 08 2018 00:01:02 Discoverbank, Pob 15316,  
 Wilmington, DE 19850  
 517663227 E-mail/Text: mrdiscen@discover.com Aug 08 2018 00:01:02 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 517652837 +E-mail/Text: cio.bncmail@irs.gov Aug 08 2018 00:01:17 Internal Revenue Service,  
 PO Box 7346, Philadelphia, PA 19101-7346  
 517652848 +E-mail/Text: newyork.bnc@ssa.gov Aug 08 2018 00:02:39 Social Security Administration,  
 Mid-Atlantic Program Service Center, 300 Spring Garden St., Philadelphia, PA 19123-2992  
 517652850 +E-mail/Text: newyork.bnc@ssa.gov Aug 08 2018 00:02:39 Social Security Administration,  
 935 ALLWOOD RD, Clifton, NJ 07012-1997  
 517652849 +E-mail/Text: newyork.bnc@ssa.gov Aug 08 2018 00:02:39 Social Security Administration,  
 Office of the General Counsel, Region II, 26 Federal Plaza, Room 3904,  
 New York, NY 10278-4199  
 517652853 +E-mail/Text: bankruptcydepartment@tsico.com Aug 08 2018 00:03:02 Transworld Systems, Inc.,  
 500 Virginia Dr. Ste. 514, Fort Washington, PA 19034-2707

TOTAL: 14

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517652830 Collbureau  
 517652835 Erc  
 517652838 Jeffcapsys  
 517652839 Kohls/Cap1  
 517652846 Sheraton Vista Villages

TOTALS: 5, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 31

Date Rcvd: Aug 07, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 09, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 7, 2018 at the address(es) listed below:

Charles G. Wohlrab on behalf of Creditor LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15, U.S. Bank National Association, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by cwohlab@logs.com, njbankruptcynotifications@logs.com  
Javier L. Merino on behalf of Joint Debtor Chris Anne Chao jmerino@dannlaw.com, notices@dannlaw.com;mdann@dannlaw.com;bflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.docketbird.com;Amy@DannLaw.com  
Javier L. Merino on behalf of Debtor Alfredo F. Chao jmerino@dannlaw.com, notices@dannlaw.com;mdann@dannlaw.com;bflick@dannlaw.com;edwardo@dannlaw.com;9497659420@filings.docketbird.com;Amy@DannLaw.com  
Joel R. Glucksman on behalf of Creditor City of Union City jglucksman@sh-law.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Rebecca Ann Solarz on behalf of Creditor DITECH FINANCIAL LLC rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7